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Report of the Secretary-General on children and armed conflict in the Democratic Republic of the Congo

Summary

The present report is the fifth report of the Secretary-General on children and armed conflict in the Democratic Republic of the Congo. It contains information on the six grave violations against children and more broadly on the situation of children affected by the armed conflict in the country from January 2010 to December 2013.

The report is focused on trends in violations in the conflict-affected areas of North Kivu, South Kivu, Katanga and Orientale Province. It shows that all parties to the conflict have been responsible for grave violations against children. Access to some of those areas has remained limited owing to security and logistical constraints.

While the recruitment and use of children have continued, progress has been made with regard to the national security forces, notably in October 2012 with the signing by the Government of the Democratic Republic of the Congo and the United Nations of an action plan to end and prevent the recruitment and use of children and sexual violence by government armed forces.

The report also shows the continuing trend of killing and maiming, sexual violence and of attacks on schools and hospitals, and provides a series of recommendations to tackle the remaining challenges and improve the protection of children in the Democratic Republic of the Congo.

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I. Introduction

1. The present report, submitted pursuant to Security Council resolution 1612 (2005) and subsequent resolutions, is the fifth report of the Secretary-General on children and armed conflict in the Democratic Republic of the Congo. It contains information on the major developments relating to the situation of children and armed conflict in the country since the previous report (S/2010/369) and covers the period from January 2010 to December 2013, unless otherwise specified. The information contained herein has been gathered, verified and compiled by the country task force on monitoring and reporting within the framework of resolution 1612 (2005) and is also drawn from other reports of the United Nations.

II. Political and military developments in the Democratic Republic of the Congo

2. The reporting period witnessed major political and security developments, including the holding of the presidential elections in 2011, in which Joseph Kabila Kabange was re-elected as President; the Mouvement du 23 mars (M23) rebellion, which led to the fall of Goma in November 2012; the signing of the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the region[1] in February 2013, which includes commitments by the Democratic Republic of the Congo and its neighbours to addressing the root causes of the conflict in the Democratic Republic of the Congo and the region with the support of the international community; the holding of the National Dialogue in October 2013; and the signing of the Nairobi Declaration in December 2013, which marked the end of the M23 rebellion.

3. The presence and activities of armed groups in the eastern Democratic Republic of the Congo remained a major source of insecurity and violence against children, however, notwithstanding the military pressure, including a series of military offensives against the Forces démocratiques de libération du Rwanda (FDLR), the regional operations against the Lord's Resistance Army (LRA) and the numerous joint operations conducted by the Armed Forces of the Democratic Republic of the Congo (Forces armées de la République démocratique du Congo — FARDC) and the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO).

4. While the strengthened political and military mandate of MONUSCO served as a deterrent, several dozen armed groups remained active, such as Mayi-Mayi groups Nyatura, Raia Mutomboki and Cheka in North Kivu and South Kivu, Mayi-Mayi Kata Katanga in Katanga, the Forces de résistance patriotiques en Ituri (FRPI), Mayi-Mayi Simba in Orientale Province, the Allied Democratic Forces (ADF) in Beni territory and FDLR. Those groups relied heavily on recruitment and use of children, many of whom were rerecruited multiple times, while the continuing clashes among armed groups, and between some of those groups and the national security forces, resulted in many children being killed or wounded.

[1] Angola, Burundi, the Central African Republic, the Congo, the Democratic Republic of the Congo, Rwanda, South Africa, South Sudan, Uganda, the United Republic of Tanzania, Zambia and, later, Kenya are signatories to the Framework.

5. In addition to the activities of armed groups, the absence of State authority in conflict-affected areas and weak accountability and command and control of the national security forces contributed to an environment in which children were victims of grave violations and at a high risk of violence and abuse. Furthermore, the lack of a formal security sector reform framework resulted in the integration into the national security forces of numerous perpetrators of grave violations against children. However, the fast-track integration, which began in 2009, and the subsequent numerous ad hoc efforts to integrate armed groups constituted significant opportunities for child protection actors to separate children associated with armed actors.

6. In 2011, FARDC was listed for sexual violence against children in annex I to my report on children and armed conflict pursuant to Security Council resolution 1882 (2009) and previous resolutions (see A/65/820-S/2011/250), in addition to being listed for recruitment and use since 2003.[2] The signing in October 2012 of the action plan to end the recruitment and use of children and sexual violence against them notwithstanding, FARDC has committed grave violations, whether perpetrated in the context of military operations or by ill-disciplined elements.

A. North Kivu and South Kivu

7. The Kivus remained the epicentre of violence during the reporting period. Owing to various military escalations, the two provinces accounted for more than half of the internally displaced persons in the country, ranging from 1.5 million in August 2010 to 1 million in October 2011 and 1.7 million in August 2013.

8. The accelerated integration into the national army of 12,000 elements from the Congrès national pour la défense du peuple (CNDP), the Coalition des patriotes résistants congolais (PARECO) and Mayi-Mayi groups notwithstanding, former CNDP elements maintained a parallel chain of command within FARDC, mostly under the leadership of Jean-Bosco Ntaganda. During that time, FARDC units, including elements from the former CNDP and other armed groups, committed egregious human rights violations. In September and October 2010, former CNDP elements were responsible for a wave of child recruitment in North Kivu. This was part of the group's strategy to mobilize in response to growing discontent over the implementation of the agreement of March 2009, the confirmation of their rank within FARDC and plans for their relocation outside the Kivus.

9. Following the progress made through operation Amani Leo, launched early in 2010 to neutralize FDLR and consolidate the gains of operation Kimia II, in January 2011 the FARDC leadership began to withdraw units from remote areas in the Kivus and restructure them into regiments. Those troop movements created security voids and resulted in a further deterioration of the security situation in the two provinces. Taking advantage of the positions vacated by FARDC, FDLR and Mayi-Mayi groups expanded their area of control and took revenge against the local population. That in turn led to the mobilization of local self-defence militias such as Raia Mutomboki in Shabunda, Kalehe, Walikale and Masisi territories. Those militias recruited many children and launched offensives against FDLR, deliberately targeting their civilian dependants, mostly women and children.

[2] At the time referred to as the Forces armées congolaises (A/58/546-S/2003/1053).

10. In April 2012, former CNDP and PARECO commanders began defecting in North Kivu and South Kivu and soon after announced the creation of M23 under the command of Colonel Emmanuel Sultani Makenga. As FARDC adjusted its posture to tackle the new insurgency, security vacuums were created, leading to a remobilization of other armed groups, some in support of the Government and others in support of the rebellion. Attacks against civilians increased and the humanitarian situation deteriorated significantly, with more than 1 million people displaced in North Kivu between April 2012 and November 2013.

11. Children were gravely affected by the developments. All armed groups intensified their recruitment and the overall insecurity and the grave humanitarian crisis resulted in high numbers of grave violations being recorded. Furthermore, reports of widespread human rights violations, including mass rape and sexual violence, the recruitment and use of children and the killing and maiming of children, committed by M23 and other armed groups and, to a lesser extent, by FARDC, increased during the temporary occupation of Goma by M23 in November 2012.

12. Early in December 2012, fighting erupted between two M23 factions (pro-Ntaganda and pro-Makenga, respectively), notwithstanding the M23 withdrawal from Goma and the beginning of the peace talks under the auspices of the International Conference on the Great Lakes Region. Children who escaped from M23 during and after the clashes reported that dozens of children associated with the groups were killed during the fighting. Following their defeat, Jean-Bosco Ntaganda and his elements fled to Rwanda, where he turned himself in to the Embassy of the United States of America in Kigali and was transferred to the International Criminal Court on 23 March 2013.

13. In November 2013, FARDC, supported by MONUSCO, inflicted a military defeat on M23. On 12 December 2013, in Nairobi, the Government of the Democratic Republic of the Congo and M23 signed a declaration officially disbanding M23. The national disarmament, demobilization and reintegration plan approved on 26 December 2013 estimated that 3,663 children would be separated from armed groups.

B. Orientale Province

14. During the reporting period, Orientale Province was affected by a deteriorating humanitarian crisis, with 300,000 internally displaced persons recorded in March 2010 and 550,000 recorded in December 2013. LRA remained extremely active in 2010 and 2011, in particular in Dungu, Niangara and Bangadi, engaging in looting and abducting civilians, including children. Between August 2011 and December 2013, LRA activities progressively decreased as a result of military pressure by the African Union Regional Task Force, which led to a significant decrease in the number of grave violations against children.

15. Among other groups active in Orientale Province, Mayi-Mayi Simba, led by Paul Sadala (alias Morgan) intensified its activities at the end of 2012 and throughout 2013, attacking gold mines and committing serious human rights violations against civilians, leaving behind a trail of killing, abduction, rape and forced displacement. The group was responsible for the recruitment of children and for the rape of several girls in at least two separate incidents in 2013. A new leader

of Mayi-Mayi Simba was appointed following the death of Paul Sadala in April 2014 during clashes with FARDC.

C. Katanga

16. The situation in north Katanga remained relatively calm throughout 2010 and 2011, but continuing attacks against, and harassment of, the local population by both FARDC and Mayi-Mayi groups in 2012 and 2013 led to an increase in the number of internally displaced persons in the northern and central part of the province. On 31 December 2012, Katanga was hosting more than 316,000 internally displaced persons, a sharp increase from the 55,500 recorded early in 2012. As at December 2013, the number of those registered as internally displaced had further increased to 402,000.

17. The United Nations received reports that 400 young people had joined the Jeunes katangais Mayi-Mayi group in June 2012. The leader of Mayi-Mayi Kata Katanga, Gédéon Kyungu Mutanga, was convicted in 2009 of crimes against humanity, but he escaped from prison in Lubumbashi in September 2011. In 2013, Mayi-Mayi Kata Katanga intensified its attacks on villages and clashed with FARDC in a struggle to assert control over mining sites. The group has been responsible for grave violations against children, including the killing, abduction, rape and mass recruitment of children.

III. Grave violations against children: incidents and trends

18. The overall situation of children affected by the armed conflict remained dire. Grave violations against children continued unabated during the reporting period, with children directly or indirectly affected by the protracted conflict in multiple ways. They were forcibly recruited or abducted by armed groups. They joined voluntarily to defend their communities or to obtain protection and support, often after having lost their families. Boys and girls were raped while associated with armed forces and groups. Mass displacement resulting from continuing hostilities severely hindered children's access to education and made them more vulnerable to malnutrition and disease.

19. Grave violations against children were committed by all parties to the conflict. Rerecruitment of children remained a trend linked to the recurrent instability and cyclical mobilization of armed groups. Recruitment and use of children, killing and maiming of children, attacks on schools and sexual violence against children peaked in 2012 and numbers remained high throughout 2013. This can be largely explained by the hostilities relating to the M23 insurgency.

20. Children were separated from armed forces and groups in various ways, including in the context of ad hoc integration exercises and age verification processes, such as the biometric census of FARDC supported by the European Union Advisory and Assistance Mission for Security Reform in the Democratic Republic of the Congo.

A. Recruitment and use of children

21. Recruitment and use of children remained endemic during the reporting period, with 4,194 cases (3,773 boys and 421 girls) documented by the United Nations.[3] Although most of the children recruited were Congolese, foreign children were also identified: 110 stated that they were Rwandan, 13 Ugandan, 3 South Sudanese and 2 from the Central African Republic. At the time of writing, the United Nations was working with the Governments in the region regarding the verification of the status of a group of 96 unaccompanied children who fled to Uganda at the same time as M23 elements in November 2013.

22. Approximately one third of the documented cases involved children under 15 years of age. Children declared that they had been used as combatants, escorts, cooks, porters, guards and sex slaves. Some children formerly associated with M23 and FRPI described how they had had to transport and bury the bodies of adults and children who had died on the battlefield. Of the 421 girls whose recruitment was documented, 32 per cent reported having been raped and sexually abused.

23. In 2010, a total of 1,108 new cases of recruitment were documented (1,030 boys and 78 girls), which represented a significant decrease over the previous year (2,280 cases). That trend continued in 2011, with 767 cases documented (680 boys and 87 girls). An increase was again reported in 2012 and 2013, however, with 1,296 cases (1,167 boys and 129 girls) and 1,023 cases (896 boys and 127 girls), respectively.

24. While those trends are not reflective of the actual scale of violations, owing to the varying monitoring and reporting capacity in the country, the increase observed in the second part of the reporting period can be explained by the creation or reorganization of armed groups, such as M23 and Mayi-Mayi groups Kata Katanga, Raia Mutomboki and Nyatura. At the same time, a decrease in recruitment was observed among FARDC, FDLR, FRPI and LRA.

25. Most child recruitment cases were attributed to Mayi-Mayi groups[4] (974 cases), followed by FDLR[5] (594 cases). Mayi-Mayi Nyatura recruited 390 children, Mayi-Mayi Kata Katanga 388 children, LRA 255, FRPI 231, Mayi-Mayi Raia Mutomboki 147, PARECO 191, M23 168 and the Alliance des patriotes pour un Congo libre et souverain 124.

26. Of the verified cases of child recruitment, 76 per cent took place in North Kivu (2,127) and South Kivu (825), compared with 92 per cent during the previous reporting period, in part resulting from the greater monitoring and logistical capacity in North Kivu. In most cases, children were abducted and forced to join the groups. Others joined voluntarily, having been promised money, education, employment or other benefits.

[3] For the same period, partners of the United Nations Children's Fund (UNICEF) reported providing services to 16,560 children associated with armed groups and forces, which strongly suggests that recruitment of children remains underreported.

[4] These include Mayi-Mayi Kifuafua, Kirikicho, Burondo, Complet, Cheka, Kasindien, Yakutumba, Lafontaine, Mushondo, Parem, Safari, Shetani, Simba and Tawimbi.

[5] Including FDLR-FOCA (FDLR-Forces combattantes Abacunguzi), Rally for Unity and Democracy and FDLR-Soki.

27. In Orientale Province, 584 cases of child recruitment (163 girls and 421 boys) were documented, representing 13 per cent of the total caseload. In Haut-Uélé and Bas-Uélé, most cases were attributed to LRA, which was responsible for 91 cases of child recruitment in 2010, 122 in 2011, 35 in 2012 and 3 in 2013. It is important to note that cases of recruitment by LRA are often documented months, and sometimes years, after recruitment. FRPI was responsible for recruiting at least 231 children (217 boys and 14 girls). Although a decrease was documented towards the end of the reporting period, the group continued to create insecurity and reliable reports indicated that it was continuing to recruit children.

28. While only four cases were reported in Katanga throughout 2010 and 2011, in 2012 the United Nations documented 296 cases, in addition to 94 cases in 2013. Virtually all those cases (388, of which 94 were girls and 294 were boys), were attributed to Mayi-Mayi Kata Katanga alone, representing 98 per cent of the total number of cases documented in the province. That group has systematically recruited children in the central and northern part of the province. For example, following the attack on 23 March 2013 by Mayi-Mayi Kata Katanga on Lubumbashi, 42 boys were separated from the armed group. Some of the boys reported that many girls were associated with the group but remained behind with the adult women for their security and were not taking part in the fighting. The children were reportedly used as fetish keepers and obliged to undertake cleansing rituals for combatants. In August and September 2013, a large group of Mayi-Mayi Kata Katanga elements surrendered, following awareness campaigns by the Government, the United Nations and civil society. Consequently, 48 children were separated from the group.

29. FARDC was responsible for 293 cases of recruitment and use of children. In 2010, the FARDC integrated brigades (mainly ex-CNDP and PARECO) accounted for the second highest number of children. Although more than 1,462 children formerly associated with armed groups were separated before the 2009 fast-track integration, many more were hidden and subsequently "integrated" into FARDC. The country task force has continued actively to seek the separation of those children from the military authorities of the newly integrated brigades.

30. From September 2012 to mid-2013, FARDC conducted a recruitment campaign, during which several hundred children were erroneously enrolled, but released at the initiative of FARDC in collaboration with the United Nations. The vast majority were recruited owing to a lack of effective age verification procedures, the use of falsified identification cards and the weak birth registration system.

B. Detention of children for association with armed groups

31. Detention of children for association with armed groups remained a grave concern. At least 274 children were detained by FARDC in violation of Congolese law for taking part in an insurrectional movement or for association with armed groups. Twenty-four children, who had been illegally detained by FARDC in Equateur Province from April to July 2010 because of their association with the Enyele insurgency, were released following advocacy by the United Nations. Furthermore, 22 presumed children, including 8 girls, were detained at Bunia prison for their association with the Alliance des patriotes pour un Congo libre et souverain and Mayi-Mayi Simba in 2013. Of those 22, 8 were declared adults by the

Prosecutor of Bunia and 2 were convicted, while the remaining 14 were handed over to the United Nations for reintegration and family reunification.

32. Notwithstanding the adoption of directives by the Minister of Defence and the National Security Agency, the latter specifically prohibiting the detention of children for association with armed groups, 93 children were arrested by FARDC from March to November 2013 during clashes in Katanga, North Kivu, South Kivu and Orientale Province. While 83 children were released, 10 remained in detention after being declared adults by an FARDC medical officer in December 2013. Among the 93 children, 20 claiming to be Rwandan and 30 claiming to be Congolese formerly associated with M23 were arrested in North Kivu and South Kivu and transferred to the military intelligence headquarters and to the National Security Agency in Kinshasa. Some of the children subsequently reported poor detention conditions and ill-treatment during interrogations. Many of them had been transferred from the eastern Democratic Republic of the Congo to Kinshasa by FARDC.

C. Killing and maiming of children

33. In total, 239 children were maimed (86 girls and 153 boys) and 206 were killed (77 girls and 129 boys) as a direct result of the conflict during the reporting period. Beginning in mid-2012, a considerable increase in the number of children killed and maimed was observed. While the average number of cases of killing and maiming documented between 2008 and 2012 was 41 per year, in 2012 the number of cases quadrupled to 187 (88 killed and 99 maimed). In 2013, 164 incidents were reported (68 killed and 96 maimed). The increase can be explained by an improvement in monitoring and reporting capacity, in addition to the M23 insurgency. Of those casualties, 81 per cent were attributed to armed groups, mainly FDLR, Raia Mutomboki, M23 and LRA, while FARDC was responsible for 19 per cent of children killed and maimed. Most were killed or maimed as a result of collateral damage and crossfire. For example, on 23 July 2013, seven children were killed during the bombardment of M23 positions by FARDC in Rumangabo (North Kivu). Overall, North Kivu alone accounted for 53 per cent of child casualties.

34. The United Nations documented violations of human rights and international humanitarian law during the fighting between FARDC and M23, including during the final phase of the military offensive in November 2013. For example, at least 15 civilians, including 2 girls and 4 boys between 2 and 16 years of age, were killed and at least 37 were wounded as a result of mortars launched from M23 positions into populated areas of Rutshuru territory on 4 November 2013. During the occupation of Goma and Sake by M23 in November 2012, at least 2 children were killed by shrapnel and more than 10 were maimed by bullets.

35. In February 2013, Mayi-Mayi Kata Katanga, armed with machetes, bows, arrows and guns, attacked the village of Kabwela (Moba territory). At least seven children between 4 and 15 years of age were killed and four maimed. Two 4-year-old girls were burned alive, having been locked in a hut that was set on fire. A 15-year-old boy and an 8-year-old girl were shot dead and a 10-year-old boy was killed by an arrow.

36. In December 2013, ADF elements attacked a village in the Rwenzori sector, killing at least 11 children, including 3 girls between 2 months and 17 years of age,

and maiming a 14-year-old girl. The victims were killed with machetes, mutilated and thrown into a ravine in Beni territory.

37. During the reporting period, it was documented that 46 children (11 girls and 35 boys) had either been killed (20 cases) or maimed (26 cases) by grenades and other explosive devices. Of those incidents, 18 occurred in North Kivu, mainly in Rutshuru and Nyiragongo territories.

D. Rape and sexual violence

38. Rape and sexual violence against children remained a grave concern throughout the reporting period. All parties to the conflict were responsible for such crimes, which were perpetrated mainly in the context of attacks on the civilian populations by both armed groups and national security forces. Mass rape was used as a weapon of war in the conflict in the eastern part of the country to intimidate communities, including in the context of the struggle for control of land and resources. The presence of military actors within the community and the lack of barracks for national security forces, however, resulted in large numbers of incidents of rape perpetrated by ill-disciplined armed actors.

39. Monitoring and reporting remained challenging during the reporting period, owing to a number of factors, including victims' fear of reprisal, social stigmatization, the lack of safe and confidential assistance for victims and weak access to justice, or the absence of State authority, in significant areas of the eastern part of the country. Furthermore, difficulty in identifying perpetrators and in distinguishing between gender-based violence and conflict-related sexual violence in areas affected by chronic instability also contributed to the difficulties of monitoring the situation. The United Nations monitoring and reporting arrangement on sexual violence in conflict has been established in the country and was being strengthened as at the end of 2013.

40. The United Nations documented 905 cases of sexual violence in conflict committed against children between 2010 and 2013, mostly in Ituri district, Haut-Uélé and Bas-Uélé and North Kivu and South Kivu. FARDC was responsible for more than one third of the total number of documented cases, while elements of the Congolese National Police were responsible for 54 cases, 2 of which occurred at police detention facilities.

41. In an incident of mass rape in Minova and surrounding villages in Kalehe territory (South Kivu) between 20 and 22 November 2012, at least 102 women, including 33 girls, were allegedly victims of sexual violence by FARDC soldiers retreating from the M23 attack on, and occupation of, Goma. Moreover, at least 59 cases of sexual violence perpetrated by M23 in Goma and the surrounding area were documented during the same period.

42. Mayi-Mayi Simba was also among the main perpetrators. In 2013 alone, the United Nations documented 59 cases of rape in Orientale Province, including the rape of 19 girls during an attack on 6 January 2013 in Mambasa territory and the rape of 25 girls on 5 February during an attack on the village of Bafwambaya (Haut-Uélé territory).

43. Boys were also among the victims, with 11 cases documented during the reporting period. Nine of those boys were raped by FDLR and Mayi-Mayi Cheka

elements, along with 55 girls, during the attacks on 13 villages on the Mpofi-Kibua axis (Walikale territory) between 30 July and 2 August 2010. Sexual violence against boys remains largely underreported as a result of social stigma and the inadequacy of services for male victims.

E. Abductions

44. The United Nations documented the abduction of 876 children (401 girls and 475 boys) during the period under review. LRA was responsible for 60 per cent of the total number. Children reported that they had been used primarily as porters and combatants. Of the girls, 63 declared that they had been victims of sexual violence. As LRA activities diminished considerably, the number of abductions by the group decreased substantially, from 206 in 2010 and 229 in 2011 to 68 in 2012 and 18 in 2013. On the other hand, abductions attributed to ADF increased, from 2 cases in 2010 to 28 in 2013, as its activities intensified.

45. Sporadic cases of cross-border abductions by LRA from South Sudan and the Central African Republic continued to be documented. For example, a 14-year-old Sudanese boy was reportedly abducted by LRA on 12 March 2011 in Yambio, South Sudan. During his captivity, he crossed the borders of South Sudan, the Democratic Republic of the Congo and the Central African Republic. He also witnessed the killing of a Congolese girl. He managed to escape on 4 August 2011, during an operation by the Uganda People's Defence Forces in Dungu territory.

F. Attacks on schools and hospitals

46. During the reporting period, hundreds of schools were permanently or temporarily closed owing to the conflict, in particular in North and South Kivu, Katanga and Orientale Province, affecting the right to education of tens of thousands of children.

47. At least 180 schools and 83 health centres were directly affected by the armed conflict. A total of 47 schools were destroyed, 82 were looted and 51 were used for military purposes. Thirty-two cases affecting schools were attributed to FARDC, including cases of looting in 12 primary schools in South Kivu between 1 May and 8 October 2011. Of the health centres, 53 were looted, 18 destroyed and the remainder used for military purposes.

48. Among the main perpetrators, FDLR was responsible for carrying out attacks against 31 schools and 9 hospitals in North Kivu and South Kivu. FRPI was also responsible for attacking 14 schools and seven hospitals in Irumu territory. Nine cases were attributed to M23. The Group of Experts on the Democratic Republic of the Congo reported the shelling of a school in Goma by M23 during an attack between 22 and 30 August 2013 (see S/2014/42). ADF was also responsible for systematic attacks against schools and hospitals in Beni territory. Between November 2012 and May 2013, ADF elements attacked and looted at least five health centres and a school. In July 2013 alone, ADF elements were responsible for ransacking 13 hospitals and 20 schools, destroying furniture and looting medical equipment and supplies.

G. Denial of humanitarian access

49. Humanitarian access continued to be seriously hampered in many areas in which armed groups were active and military operations were continuing throughout the reporting period. Among the most serious incidents of 2011 was the killing of five humanitarian workers during an attack allegedly carried out by Mayi-Mayi elements in South Kivu. In 2012, the country task force on monitoring and reporting documented 256 incidents of denial of humanitarian access or security incidents against humanitarian workers. North Kivu was the most affected, with a total of 123 cases, mainly in and around Goma, Masisi and Rutshuru territories, as a result of clashes between M23 and the national armed forces. Although in most cases the perpetrators could not be identified, 38 cases were attributed to armed groups such as FDLR and Mayi-Mayi groups, including Raia Mutomboki. Another 26 incidents were attributed to the Congolese security forces. In total, 216 security incidents affecting humanitarian workers were documented in 2013, of which 109 constituted denial of humanitarian access. The Kivus were most affected, with 59 incidents in South Kivu and 40 in North Kivu. Five cases of denial of humanitarian access were documented in both Orientale Province and Katanga.

IV. Follow-up to the conclusions of the Security Council Working Group on Children and Armed Conflict and to the previous recommendations of the Secretary-General

50. Since the adoption of the conclusions on children and armed conflict in the Democratic Republic of the Congo by the Working Group on Children and Armed Conflict on 1 March 2011 (S/AC.51/2011/1), progress has been achieved in a number of areas.

51. As called for in the conclusions, the action plan to end the recruitment and use of children and sexual violence by armed and security forces was signed in October 2012. Progress has also been achieved in the provision of access to military sites for verification purposes by child protection actors and in the area of the release and reintegration of children associated with FARDC.

52. In addition, with regard to the recommendation of the Working Group that a regional strategy be developed to address the impact of LRA activities on children, the United Nations and the Ugandan armed forces developed a standard operating procedure in 2011, on the basis of which the latter agreed to hand over without delay to protection actors children associated with armed groups who had been rescued. Furthermore, pursuant to the request of the Security Council in the presidential statement of 14 November 2011 (S/PRST/2011/21), a cross-border regional strategy for the identification, care and repatriation of children associated with LRA in the Central African Republic, South Sudan, Uganda and the Democratic Republic of the Congo was developed as part of the broader regional strategy to address the threat and impact of LRA activities (S/2012/481). As regards the recommendation of the Working Group that the fight against impunity be strengthened, while some progress has been achieved, as noted in the section below, no significant steps have been taken to withdraw systematically all perpetrators of child rights violations from FARDC.

A. Action plan

53. As a result of a collaborative effort between the United Nations, the Minister of Defence and the Minister of Justice and Human Rights, a draft action plan was developed in 2011 and 2012. It was subsequently reviewed by all the ministries concerned, including the Minister of the Interior, the Minister of Gender and Social Affairs and the Minister of Education.

54. On 4 October 2012, the Government and the United Nations signed the action plan to stop and prevent underage recruitment and use of children in armed forces and groups, sexual violence and other grave violations of children's rights by the armed forces and the security services. In so doing, they committed themselves to working in the following four areas through a joint technical working group established at the national level: identification and release of children associated with armed forces and groups; response to children victims of grave violations; prevention of grave violations against children; and combating the impunity of perpetrators.

55. Throughout 2013, the Government remained committed to the implementation of the action plan. On 3 May 2013, the Ministry of Defence issued a directive to prohibit the killing, maiming and recruitment of and sexual violence against children, in addition to the occupation of schools and hospitals, stating that perpetrators would face disciplinary measures or military prosecution. The National Intelligence Agency issued a second directive in which it stated that all children in detention on charges of association with armed groups should be handed over immediately to United Nations child protection actors.

56. On 18 July 2013, the Ministry of Defence requested the Ministry of the Interior to facilitate the creation of provincial joint technical working groups, which led to the appointment in the eastern provinces of high-level focal points. Significant progress was also made in the provision of access for United Nations personnel to FARDC facilities and detention centres for the purpose of identifying and separating minors. At the end of 2013, the authorities submitted a progress report in line with the action plan.

B. Advocacy

57. Throughout the reporting period, the United Nations systematically undertook advocacy initiatives to end and prevent grave violations against children. That was done through multidisciplinary efforts at the policy and political levels, in the context of frequent interactions with government representatives, as well as in the area of release and reintegration, in the context of dialogue with armed groups and by supporting accountability for serious crimes.

58. In the context of the continuing dialogue between FARDC and the United Nations, 339 children were released during the national recruitment campaign. In 2012 alone, 269 children were separated following an age verification process involving 12,862 FARDC elements. In 2013, while 91 children were recruited and trained, they were separated before being deployed.

59. The conduct of joint military operations in the context of the implementation of the MONUSCO human rights due diligence policy created additional opportunities to advocate the protection of children with the FARDC military authorities. Child

protection advisers played an integral role in the protection of civilian mechanisms, including by sharing information on trends in grave violations against children and conducting physical screening of troops earmarked for joint operations.

60. In May 2011, a group of friends of children in armed conflict was established in Kinshasa, consisting of representatives of 18 embassies, delegations and other international partners, such as the World Bank and the European Union Advisory and Assistance Mission for Security Reform. The group meets at least four times a year with the aim of promoting information exchange between the United Nations country task force and the diplomatic community, streamlining advocacy efforts to end grave violations against children and identifying financial resources for the implementation of the action plan. The group has supported the action plan process through sustained advocacy and engagement with the Government.

61. My Special Representative for Children in Armed Conflict, Leila Zerrougui, visited the Democratic Republic of the Congo from 18 to 23 November 2013. She travelled with senior representatives of UNICEF and MONUSCO to Kinshasa, Goma, Kiwanja and Beni to assess the situation of children affected by the conflict, strengthen dialogue with the Congolese authorities and review progress in the implementation of the action plan. In her meetings with young victims, national and local authorities, civil society, traditional chiefs and children she took note of the numerous remaining challenges ahead. She participated in a meeting of the joint technical working group in charge of the implementation of the action plan. During her visit, she addressed the authorities and advocated efforts to end impunity for perpetrators of grave violations against children, including in the context of disarmament, demobilization and reintegration, integration of armed groups into the army and security sector reforms. In meetings, she called for the strengthening of sustainable reintegration for children separated from armed groups, including raising the awareness of communities to avoid the stigmatization of children formerly associated with armed forces and groups, in particular girls.

62. On 6 March 2014, the Government endorsed and committed itself to the campaign "Children, Not Soldiers" launched by my Special Representative and UNICEF to end the recruitment and use of children by government forces in conflict by 2016.

C. Programmatic response

63. During the period under review, UNICEF partners provided services to 16,562 children between 9 and 17 years of age (13,679 boys and 2,883 girls) who were formerly associated with armed forces and groups, including 8,828 children in North Kivu, 3,365 in Orientale Province, 2,154 in South Kivu and 1,285 in Katanga. Those children had been separated or had escaped from armed forces and groups and received assistance such as medical and psychological support, family tracing and reunification and support for reintegration. Of the 16,562 children assisted, more than 11,000 were supported to return to school (approximately 49 per cent), start income-generating activities (26 per cent) or gain access to professional training (25 per cent). Reduced resources and the growing numbers of children in need of emergency care slowed down the assistance for reintegration. In addition, 93 foreign children were repatriated to their country of origin (9 to Burundi, 4 to the Central African Republic, 2 to Uganda, 72 to Rwanda and 6 to the Sudan).

64. Between 2010 and 2013, 17,189 children survivors of sexual and gender-based violence received multisectoral assistance (medical, psychosocial, socioeconomic and legal referral) through UNICEF, as the lead for the multisectoral pillar of the national strategy to combat sexual and gender-based violence. Those figures reflect only the activities carried out by UNICEF partners and not the overall assistance provided to survivors of sexual and gender-based violence in the eastern part of the country. Sexual violence against children continues to be underreported, referrals to relevant services are delayed owing to restricted access and specific clinical approaches remain limited.

65. In 2012, a total of 20,602 boys and 18,330 girls were trained by the United Nations Mine Action Coordination Centre in mine awareness and 57,886 boys and 52,715 girls received training in 2013. Awareness-raising activities took place in Katanga, Kasai-Occidental Province, North Kivu, Orientale Province, Equateur and South Kivu.

D. Mainstreaming of child protection and training

66. During the reporting period, the United Nations undertook and supported numerous training sessions. Some 6,400 MONUSCO peacekeepers were trained in child protection in situations of armed conflict and in the role of military personnel and peacekeepers concerning the protection of children. Moreover, almost 3,000 troops comprising the MONUSCO force intervention brigade were trained before their deployment or military operations.

67. UNICEF trained 57 officers from a battalion of the African Union Regional Task Force/FARDC in child protection in the framework of a regional programme on the protection of children affected by LRA.

68. MONUSCO trained 14,080 elements of the national police and 6,180 members of FARDC on child rights and child protection issues. In 2011, in cooperation with MONUSCO, the country task force on monitoring and reporting developed a specific child protection module as part of a training programme on human rights and international humanitarian law, which was adopted by the Minister of Defence as part of the official FARDC training kit.

E. Addressing impunity

69. During the reporting period, impunity for violations committed against children remained of great concern. Notwithstanding progress in the overall numbers of prosecutions for human rights violations through legal reform — including the introduction of the prohibition and criminalization of the recruitment of children by Act No. 09/001 of 10 January 2009 on child protection, which stipulates terms of imprisonment for child recruiters ranging from 10 to 20 years, the adoption of the action plan in October 2012 and a number of arrests and convictions for grave violations — no perpetrators of the recruitment and use of children were convicted.

70. Following a report by MONUSCO on trends in violations against children on 23 October 2013, the Minister of Defence pledged to pursue senior Nyatura elements Ngwiti, Muchoma Bahani, Ussama Ndukuche and Marcel Habarugira

Rangira for the recruitment of children. An arrest warrant for the four men was issued on 11 November 2013. On 28 February 2014, Muchoma Bahani was arrested at a FARDC training centre in Kotakoli on charges of recruiting children. He was detained in Ndolo prison in Kinshasa and MONUSCO has been assisting the military prosecutor in preparing the case for trial.

71. Colonel Josué Biyoyo Karanga, a perpetrator of child recruitment while commander of the Mudundu 40 armed group, is currently serving a life sentence in Kinshasa. He was previously sentenced in 2006 by a military court in Bukavu to life imprisonment on charges that included underage recruitment, but escaped from prison and reintegrated into FARDC as a colonel. He defected again to M23, after which he was arrested and prosecuted a second time solely on the grounds of his defection.

72. Kakule Muhindo Muhima, alias Shetani, of Mayi-Mayi Shetani, was arrested on 23 December 2013 in Rutshuru territory. He was detained in Goma on charges of having recruited 60 children (51 boys and 9 girls) between June 2008 and April 2013.

73. The case against Lieutenant Colonel Bedi Mobuli Engwnagenla, alias "Colonel 106", has not progressed. He was allegedly responsible for the recruitment and use of children, in addition to rape, sexual slavery and other human rights violations committed in South Kivu between 2005 and 2006. Since his transfer from Kinshasa to Bukavu on 2 April 2013, the case has remained at the stage of pretrial investigation.

74. No progress has been recorded either on the case against Mahanganiko Kasai, alias "Manga", of the Patriotes resistants Mayi-Mayi group responsible for the recruitment of at least 29 children, including 5 girls who were subjected to sexual violence by elements under his command between 1 January 2012 and 30 March 2013 in North Kivu. Manga surrendered to MONUSCO in Rutshuru territory and was transferred to the military prosecutor on 27 May 2013, but was freed on 17 July 2013 because of lack of evidence.

75. An increase in the number of prosecutions for crimes of sexual violence was recorded during the reporting period. That increase was the result of the support provided by international partners and the United Nations, in particular to military justice, including in the context of the national strategy to combat sexual violence. Of the 905 incidents of rape and sexual violence against children documented during the reporting period, 254 alleged perpetrators were arrested and prosecuted, of whom 105 were found guilty and sentenced to terms of imprisonment of up to 20 years. Most perpetrators were FARDC elements. With regard to rapes and other human rights violations perpetrated by FARDC elements in and around Minova in November and December 2012, 39 alleged perpetrators (including 5 high-ranking officers) were arrested and charged with crimes against humanity and war crimes, including rape, murder and looting.[6]

76. MONUSCO monitored the trials of the alleged perpetrators of attacks and mass rapes, including of 55 girls and 9 boys, committed by a coalition of armed groups along the Mpofi-Kibua axis in Walikale territory between 30 July and

[6] The military operational court of North Kivu concluded the "Minova" trial against 39 FARDC officers on 5 May 2014. Only 2 out of 26 total convictions were on rape charges, including 1 for rape of an 8-year-old girl. Thirteen officers were acquitted.

2 August 2010. Only two alleged perpetrators were arrested. One of them died and the other escaped, resulting in deferment of the procedures.

77. On 9 July 2011, the Government promulgated a law on the criminalization of torture. That law reinforces Act No. 09/001 on child protection by also condemning torture against children. MONUSCO recorded at least 12 convictions against security officials for practising and/or encouraging torture since the promulgation of the law. In January 2012, two FARDC soldiers were convicted by the Isiro military garrison tribunal in Niangara, Orientale Province, and sentenced to terms of imprisonment of seven and five years, respectively, for torture of two minors (8 and 9 years of age).

78. More recently, on 11 February 2014, the Government passed an amnesty law for acts of insurrection, war and political offences, covering crimes committed between 18 February 2006 and 20 December 2013, but excluding grave crimes such as sexual violence and violations against children.

79. Significant progress was made during the reporting period at the international level. On 14 March 2012, the International Criminal Court found the commander of FPLC, Thomas Lubanga, guilty of war crimes for enlisting, conscripting and using children under 15 years of age in active hostilities in the Democratic Republic of the Congo between 2002 and 2003.

80. The former deputy chief of staff and commander of operations of FPLC, Bosco Ntaganda, voluntarily surrendered to the International Criminal Court, which had previously issued an arrest warrant for him in 2006. A second arrest warrant was issued in 2012 and he was transferred to the Court on 22 March 2013. He is being tried on, among others, three counts of war crimes for enlisting, conscripting and using children under 15 years of age.

81. On 20 November 2012, the Security Council adopted resolution 2076 (2012), in which it expressed its intention to consider additional targeted sanctions against the leadership of M23 and those providing it with external support, including for the recruitment and use of children. In 2012, the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo included four additional individuals on its consolidated assets freeze and travel ban list on the basis of their recruitment and use of children. An additional 11 individuals were also reclassified by the Committee as responsible for the recruitment and use of children.

F. Observations and recommendations

82. I urge all armed groups in the Democratic Republic of the Congo to lay down their arms immediately, stop the recruitment and use of children and other grave violations of children's rights and to release immediately all children within their ranks. I call upon them to enter into dialogue with the United Nations to prepare and implement action plans in line with Security Council resolutions 1539 (2004) and 1612 (2005).

83. I welcome the progress made by the Government of the Democratic Republic of the Congo and the United Nations in the implementation of the action plan to halt and prevent the recruitment and use of children, sexual violence and other grave violations by the national armed forces and security forces and the engagement of the Government in the campaign "Children, Not Soldiers" to end the recruitment

and use of children by government forces by 2016. I call upon the Government to ensure that children are not detained for association with armed groups in line with national policies and legislation.

84. I call upon the Government to implement fully and effectively the action plan at the provincial level and to meet its commitments to ending the recruitment and use of children, sexual violence and other grave violations against children.

85. The efforts made by the Government to ensure that children were not recruited by FARDC during recent recruitment drives are commendable. I strongly encourage the military authorities to further improve age verification and oversight procedures to prevent the recruitment of children into FARDC.

86. I call upon the parties to remain committed to their obligations under the Peace, Security and Cooperation Framework and to facilitate the reunification of unaccompanied children with their respective families.

87. The Government should ensure that the implementation of the new national disarmament, demobilization and reintegration plan gives due consideration to the specific needs and rights of children and, accordingly, is carried out in the best interest of the child. I encourage the Government to focus specifically on sustainable reintegration opportunities for children. The Government should also ensure that girls formerly associated with the armed forces and armed groups are afforded equal reintegration opportunities.

88. I remain deeply concerned at the impunity enjoyed by perpetrators of grave violations against children. I encourage the Government of the Democratic Republic of the Congo to redouble its efforts to combat impunity, including through the systematic, thorough and independent investigation and prosecution of all alleged perpetrators. I also urge the Government to take all measures necessary to ensure that the amnesty law adopted on 11 February 2014 is implemented, excluding perpetrators of war crimes and crimes against humanity. I encourage the international partners of the Democratic Republic of the Congo to maintain continuing programmes for strengthening the criminal justice system in the country.

89. I urge the Government to withdraw all perpetrators of violations of children's rights from FARDC, irrespective of their rank, and to hold them accountable for crimes committed against children.

90. I remain concerned at the numerous incidents of attacks against schools and hospitals, and urge the Government to meet, without further delay, its commitment to preventing and stopping such attacks and the military use of such facilities. FARDC, with the support of MONUSCO, should develop standard operating procedures to ensure that children are protected in the course of military operations and when they come into their custody, in accordance with international human rights and humanitarian law. Those procedures should include the protection of schools and hospitals.

91. Lastly, I would urge the Security Council to continue to take into account the situation of children affected by armed conflict in its consideration of the situation in the Democratic Republic of the Congo.